

Illinois Manufactured Housing and Mobile Home Safety Act.

Section

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§ 430 ILCS 115/1(was Ill.Rev.Stat., Ch. 67 1/2, Para. 501). [Short title].

Sec. 1. This Act may be cited as the Illinois Manufactured Housing and Mobile Home Safety Act.

(Source: P.A. 86-1475.)

§ 430 ILCS 115/2 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 502). [Definitions].

Sec. 2. Unless clearly indicated otherwise by the context, the following words and terms when used in this Act, for the purpose of this Act, shall have the following meanings:

- (a) "Mobile home" means a movable or portable unit, which is 8 body feet or more in width and is 32 body feet or more in length, and constructed to be towed on its own chassis (comprised of frame and wheels) from the place of construction to the location or subsequent locations, subject to the provisions of Chapter 15 of The Illinois Vehicle Code [625 ILCS 5/15-100 et seq.], and designed to be used without a permanent foundation and connected to utilities for year round occupancy with or without a permanent foundation. The term shall include: (1) units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity, and (2) units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components

for repeated towing. The term shall include units designed to be used for residential, commercial, educational or industrial purposes, excluding, however, recreational vehicles.

- (b) "Person" means a person, partnership, corporation, or other legal entity.
- (c) "Manufacturer" means any person who manufactures mobile homes or manufactured housing at the place or places, either on or away from the building site, at which machinery, equipment and other capital goods are assembled and operated for the purpose of making, fabricating, forming or assembling mobile homes or manufactured housing.
- (d) "Department" means the Department of Public Health.
- (e) "Director" means the Director of the Department of Public Health.
- (f) "Dealer" means any person, other than a manufacturer, as defined in this Act, who sells 3 or more mobile homes or manufactured housing units in any consecutive 12-month period.
- (g) "Codes" means the safety codes for manufactured housing and mobile homes promulgated by the Department. The Codes shall contain the standards and requirements for manufactured housing and mobile homes so that adequate performance for the intended use is made the test of acceptability. The Code of Standards shall permit the use of new and used technology, techniques, methods and materials, for both manufactured housing and mobile homes, consistent with recognized and accepted standards adopted by the Building Officials Conference of America, the International Conference of Building Officials, the Southern Building Codes Congress, the National Fire Protection Association, the International Association of Plumbing and Mechanical Officials, the American National Standards Institute, the Illinois State Plumbing Code, and the United States Department of Housing and Urban Development, hereinafter referred to as "HUD", applying to manufactured housing and mobile homes. A copy of said safety codes, including said revisions thereof is on file with the Department.
- (h) "Seal" means a device or insignia issued by the Department to be displayed on the exterior of the mobile home or manufactured housing unit to evidence compliance with the applicable safety code.
- (i) "Manufactured Housing" or "manufactured housing unit" means a building assembly or system of building sub-assemblies, designed for habitation as a dwelling for one or more persons, including the necessary electrical, plumbing, heating, ventilating and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the

building site, for installation, or assembly and installation, on the building site, with a permanent foundation.

- (j) "Closed Construction" is any building, component, assembly or system manufactured in such a manner that all portions cannot readily be inspected at the installation site without disassembly, damage to, or destruction thereof.
- (k) "Open Construction" is any building, component, assembly or system manufactured in such a manner that all portions can be readily inspected at the installation site without disassembly, damage to, or destruction thereof.
- (l) "Permanent Foundation" means a closed perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which shall include, but not necessarily be limited to, cellars, basements, or crawl spaces, but does exclude the use of piers.
- (m) "Code Compliance Certificate" means the certificate provided by the manufacturer to the Department that warrants that the manufactured housing unit or mobile home complies with the applicable code.

(Source: P.A. 79-731.)

§ 430 ILCS 115/3 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 503). [Unlawful rental, sale, or offer for sale; manufacture of mobile homes].

- Sec. 3. (a) It is unlawful for any person to rent, sell, or offer for sale within this State any mobile home manufactured after July 1, 1974, or any manufactured housing unit manufactured after July 1, 1976, unless such mobile home or manufactured housing unit complies with the applicable safety code and any revision thereof that may be adopted hereafter, by the Department as hereinafter provided.
- (b) No person shall manufacture for shipment into this State any mobile home after July 1, 1974, or any manufactured housing unit after July 1, 1976, which does not comply with the applicable safety code.

(Source: P.A. 79-731.)

§ 430 ILCS 115/4 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 504). [Seal and certification of compliance with safety code; coextensive municipal provisions; adoption by reference].

Sec. 4. No person may rent, sell, or offer for sale to anyone within this State any mobile home manufactured after July 1, 1974, or any manufactured housing unit manufactured after July 1, 1976, unless it bears a seal issued by the Department and a certification by the manufacturer or dealer, that the mobile home or manufactured housing unit complies with the applicable safety code.

The provisions of this Act shall not apply to any municipality which has adopted a mobile home

or manufactured housing safety code, the provisions of which are equal to the codes promulgated by the Department. Any such code must be filed with the Department within 10 days after its adoption. Any municipality is authorized to adopt by reference the safety codes as promulgated by the Department without setting forth the provisions in full, provided that at least (3) copies of such codes which are incorporated or adopted by reference are filed in the office of the municipal clerk at least (15) days prior to the adoption of the ordinance which incorporates such codes by reference and there kept available for public use, inspection and examination.  
(Source: P.A. 79-731.)

§ 430 ILCS 115/5 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 505). [Seals issued by Department].

Sec. 5. The Department shall issue seals to any manufacturer or dealer upon application supported by affidavit or such other evidence which the Department shall deem necessary to satisfy itself that the seals shall be affixed only to mobile homes or manufactured housing units which comply with the applicable safety code.  
(Source: P.A. 79-731.)

§ 430 ILCS 115/6 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 506). [Alteration of mobile homes to which seals have been affixed].

Sec. 6. It is unlawful for any person to make any alteration of any mobile home or manufactured housing unit to which a seal has been affixed if such alteration causes the mobile home or manufactured housing unit to be in violation of the applicable safety code.  
(Source: P.A. 79-731.)

§ 430 ILCS 115/7 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 507). [Reciprocity with other states].

Sec. 7. If any other State has a safety code for mobile homes or manufactured housing at least equal to the codes promulgated by the Department and the Department determines that such safety standards are being enforced by such other state, the Department shall place such other state upon a reciprocity list, which list shall be available to any interested person. Any mobile home or manufactured housing unit which bears the seal of any state which has been placed on the reciprocity list, or which bears a seal approved by such state as sufficient evidence of compliance, shall not be required to affix the seal of this state prescribed by Section 4 of this Act [430 ILCS 115/4].  
(Source: P.A. 79-731.)

§ 430 ILCS 115/8 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 508). [Schedule of fees].

Sec. 8. The Department, by regulation, shall establish a schedule of fees to defray a portion of the cost of the administration and enforcement of this Act.  
(Source: P.A. 85-1261.)

§ 430 ILCS 115/9 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 509). [Administration and enforcement].

- Sec. 9. (a) The Department is hereby charged with the administration and enforcement of this Act. The Department is authorized to: (1) promulgate such reasonable regulations as may be necessary to administer and enforce this Act, and (2) adopt any revisions of the Code as may be necessary to protect the health and safety of the public against dangers inherent in the use of substandard construction and unsafe plumbing, electrical and heating systems.
- (b) At least 30 days before the adoption or promulgation of any regulations or any revisions of the Code, pursuant to the authority vested in the Department by the preceding Subsection (a) of this Section, the Department shall mail to all state dealers and manufacturers of mobile homes a notice which shall contain:
- (1) A copy of the proposed regulations or revisions thereon, if any;
  - (2) A copy of the proposed revision of the Code, if any; and
  - (3) The time and place that the Department will consider any objections, comments or suggestions pertaining to the proposed action described in the notice.
- (c) After giving the notice required by Subsection (b) of this Section, the Department shall provide a hearing for interested persons to express their views on the proposed action, either orally or in writing as may be prescribed by the Department and specified in the notice.
- (d) The Department is authorized to perform necessary inspection of manufacturing facilities and products to implement the provisions of this Act. If the Department appoints non-governmental inspectors or inspection agencies, the Department shall at all times exercise supervisory control over such inspectors or agencies to insure effective and uniform enforcement of the Code consistent with rules, regulations and interpretations promulgated by the Department.
- (e) The issuance of seals may be suspended as to any manufacturer who is convicted under Section 10 of this Act [430 ILCS 115/10] of manufacturing products that do not conform to the Code and issuance of seals shall not be resumed until such manufacturer submits proof satisfactory to the Department that the conditions which caused the violation of the Code have been remedied. Seals may be repossessed if a manufacturer is found by the Department to have affixed a seal in violation of the Code.
- (f) No person may interfere with, obstruct or hinder an authorized representative of the Department in the performance of its duties under this Act.

(Source: P.A. 78-929.)

§ 430 ILCS 115/10 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 510). [Seal to remain property of Department; penalty; injunctive relief].

Sec. 10.(a) The seal shall remain the property of the Department, and may not be placed upon a mobile home or manufactured housing unit which is in violation of the applicable safety code. Compliance with the safety code is the responsibility of a manufacturer and neither the State nor the Department, shall be civilly or criminally liable for the issuance of any seal which is thereafter placed upon a nonconforming mobile home or manufactured housing unit.

(b) Any person who violates this Act shall, upon conviction by a court, be guilty of a Class B misdemeanor. Each day of violation constitutes a separate offense. The State's Attorney of the county in which the violation occurred or the Attorney General shall bring such action in the name of the People of the State of Illinois. The Court may enjoin the rent, sale, offer for sale, or manufacture of mobile homes or manufactured housing manufactured in violation of this Act or of the applicable safety code promulgated thereunder until it has been corrected to comply with this Act or the minimum standards contained in the applicable safety code.

(Source: P.A. 79-731.)

§ 430 ILCS 115/11 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 511). [Record of proceedings involving refusal to issue or renew, or suspension or revocation of seal; notice; hearing; subpoenas; contempt].

Sec. 11. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving refusal to issue or renew, or the suspension or revocation of a seal. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report and orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of 75 cents per page for each original transcript and 25 cents per page for each carbon copy thereof ordered with the original; provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be 25 cents per page.

In any case involving the refusal to issue or renew or the suspension or revocation of a seal, a copy of the Department's report shall be served upon the respondent, either personally or by registered or certified mail as provided in this Act, for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which written motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the report. If the respondent orders and pays for a transcript of the record within the time for filing a motion for rehearing, the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the

respondent.

Any circuit court may upon application of the Director of or the applicant or licensee against whom proceedings under this section of this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings for contempt.  
(Source: P.A. 78-929.)

§ 430 ILCS 115/12 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 512). [Judicial review].

Sec. 12. All final administrative decisions of the Director under this Act shall be subject to judicial review pursuant to the provisions of the Administrative Review Law [735 ILCS 5/3-101 et seq.], and all amendments and modifications thereof, and the regulations adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101].

Appeals from all final orders and judgment entered by a circuit court in review of a final administrative decision of the Director may be taken by either party to the action, and shall be governed by the rules applying to other civil cases.  
An aggrieved party may obtain a review of any final judgment of the circuit court, and the appeal shall be taken as in other civil cases.  
(Source: P.A. 82-783.)

§ 430 ILCS 115/13 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 513). [Severability].

Sec. 13. If any provision of this Act or the application thereof to any person or circumstance is held to be unconstitutional or invalid for any reason by any court of competent jurisdiction, the remainder of the Act and the application of such provisions to other persons and circumstances shall not thereby be rendered invalid or unconstitutional or affected thereby but shall remain in full force and effect.  
(Source: P.A. 78-929.)

§ 430 ILCS 115/14 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 514). [Effective date].

Sec. 14. This Act takes effect on July 1, 1974.  
(Source: P.A. 78-929.)

§ 430 ILCS 115/15 (was Ill.Rev.Stat., Ch. 67 1/2, Para. 515). [Advisory council].

Sec. 15. There is created an advisory council on mobile homes and manufactured housing who shall serve in an advisory capacity in the drafting and promulgation of the applicable safety codes. The council shall consist of eleven members appointed by the Director of the Department and shall be comprised of the Director or his authorized representative, who shall serve as chairman ex-officio and the members shall be appointed from the following professional and

technical disciplines: One member from architecture, one from structural engineering, one from mechanical engineering or contracting, one from electrical engineering or contracting, three building officials from Illinois municipalities, one from the plumbing industry, one from the mobile home industry, one from manufactured housing industry, and one from the construction design or producer industries. Members of the council shall be appointed for three year terms, except that, of the initial members, the terms of three shall expire at the end of the first year, four at the end of the second year, and four at the end of the third year. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. The initial appointments shall commence on July 1, 1976.

The council shall meet as frequently as the chairman deems necessary. A simple majority of the members of the council shall constitute a quorum. Members of the council shall serve without compensation but shall be reimbursed for their travel and other necessary expenses as provided for state employees.

(Source: P.A. 79-731.)